

MINUTES OF THE REGULAR MEETING OF THE

**City of Carlsbad
Planning & Zoning Commission**

Monday, November 7, 2022 at 5:00 p.m.

**Meeting Held in the Janell Whitlock Municipal Complex Council Chambers
114 S. Halagueno St.**



CITY OF CARLSBAD
CARLSBAD, NEW MEXICO

PLANNING AND ZONING COMMISSION

Monday, November 7, 2022 at 5:00 PM
Janell Whitlock Municipal Complex Council Chambers
114 S. Halagueno Street
GoToMeeting ID: 472-491-125
US Phone: (646) 749-3122 Access Code: 472-491-125

1. Roll call of voting members and determination of quorum
2. Approval of Agenda
3. Approval of Minutes from the Meeting held October 3, 2022
4. Remove from Table a consideration of approval of a Variance to allow 2' increase in fence height for the property located at 505 S. Eleventh St., zoned "R-1" Residential 1 District zoning
5. Consider approval of a Variance to allow 2' increase in fence height for the property located at 505 S. Eleventh St., zoned "R-1" Residential 1 District zoning
6. Consider approval of a Variance to allow 0' side setback for the property located at 2409 Primrose St., zoned "R-1" Residential 1 District zoning
7. Consider approval of a Variance to allow a carport with storage in the front setback located at 401 S. Guadalupe, zoned "R-2" Residential 2 District zoning
8. Report regarding Summary Review Subdivisions
9. Adjourn

FOR INFORMATION ONLY

Agendas and Planning and Zoning Commission meeting minutes are available on the City web site:

cityofcarlsbadnm.com

or may be viewed in the Office of the City Clerk or at the Carlsbad Public Library during normal and regular business hours

PLANNING AND ZONING COMMISSION MEETING SCHEDULE

- Regular meeting – Monday, December 5, 2022 at 5:00 p.m.

If you require hearing interpreter, language interpreters or auxiliary aids in order to attend and participate in the above meeting, please contact the City Administrator's office at (575) 887-1191 at least 48 hours prior to the scheduled meeting time.

**MINUTES OF A REGULAR MEETING OF THE CITY OF CARLSBAD PLANNING &
ZONING COMMISSION HELD IN THE JANELL WHITLOCK MUNICIPAL COMPLEX
COUNCIL CHAMBERS,
114 S. HALAGUENO STREET, NOVEMBER 7, 2022 AT 5:00 P.M.**

VOTING MEMBERS PRESENT:

**JAMES MCCORMICK
TRENT CORNUM
LINDA WILSON
VALERIE BRANSON**

**CHAIRPERSON
COMMISSIONER
COMMISSIONER
COMMISSIONER**

VOTING MEMBERS ABSENT:

BRAD NESSER

EX-OFFICIO MEMBERS PRESENT:

**JEFF PATTERSON
TRYSHA ORTIZ**

**PLANNING DIRECTOR
DEPUTY PLANNING DIRECTOR**

SECRETARY PRESENT:

JUDITH WEBSTER

**PLANNING AND REGULATION
DEPARTMENT SECRETARY**

OTHERS PRESENT:

**CHARLIE GARCIA
DENISE MADRID BOYEA
HAROLD FINICAL
RUDY OLIVO
VICTORIA MARTINEZ-RASCON
HECTOR TORRES
MARCO ANCHONDO
MARCOS SOTELO**

**CITY
CITY ATTORNEY
401 N. GUADALUPE
2516 PRIMROSE
409 S. GUADALUPE
505 S. 11TH ST.
210 S. 8TH ST.
210 S. 8TH ST.**

Time Stamps and headings below correspond to recording of meeting and the recording is hereby made a part of the official record.

0:00:02 Start Recording [5:00:24 PM]

0:00:21 **1. Roll call of Voting Members and Determination of Quorum**

Roll was called, confirming the presence of a quorum of commission members. The following members were present— **Mr. McCormick, Mr. Cornum, Ms. Wilson, Ms. Branson.** Absent— **Mr. Nesser.**

0:00:23 **2. Approval of Agenda**

Mr. Patterson states that Item #7 states the subject property is 401 S. Guadalupe St., but it is supposed to read 408 S. Guadalupe St.

Mr. Cornum made a motion to approve the Agenda with the correction; **Ms. Wilson** seconded the motion. The vote was as follows: **Yes— Mr. McCormick, Mr. Cornum, Ms. Wilson, Ms. Branson.** Absent— **Mr. Nesser.** Abstained—None. The motion carried.

0:01:20

3. Approval of Minutes from the regular Meeting held October 3, 2022

Ms. Wilson made a motion to approve the minutes from the regular meeting held on October 3, 2022; **Mr. Cornum** seconded the motion. The vote was as follows: **Yes— Mr. McCormick, Mr. Cornum, Ms. Wilson, Ms. Branson.** Absent— **Mr. Nesser.** Abstained—None. The motion carried.

0:01:56

4. Remove from Table a consideration of approval of a Variance to allow 2' increase in fence height for the property located at 505 S. Eleventh St., zoned "R-1" Residential 1 District zoning

Mr. Cornum made a motion to approve to remove item #4 from the table; **Ms. Wilson** seconded the motion. The vote was as follows: **Yes— Mr. McCormick, Mr. Cornum, Ms. Wilson, Ms. Branson.** Absent— **Mr. Nesser.** Abstained—None. The motion carried.

0:02:38

5. Consider approval of a Variance to allow 2' increase in fence height for the property located at 505 S. Eleventh St., zoned "R-1" Residential 1 District zoning

The applicant, **Hector Torres**, comes to the podium. **Mr. Patterson** explains this request is for a variance to allow a 2' increase in fence height along the front and side setback for the property. Based on comments from other City departments, the Planning Dept. is recommending denial of this request. **Mr. Torres** explains the reason he wants a higher fence is that he has dogs, and they could easily jump over a 4' fence. He states he wants to raise the fence all the way around the property to 6'. It will be constructed of wrought iron and concrete. There is currently no fencing in the front of the property. **Mr. McCormick** asks **Mr. Patterson** about the reason for the denials. **Mr. Patterson** states there is already fencing on the sides and rear of the property and did not seem necessary to City Staff to fence the front of the property.

Mr. Cornum made a motion to approve; **Ms. Wilson** seconded the motion. The vote was as follows: **Yes— Mr. McCormick, Mr. Cornum, Ms. Wilson, Ms. Branson.** Absent— **Mr. Nesser.** Abstained—None. The motion carried.

0:09:09

6. Consider approval of a Variance to allow 0' side setback for the property located at 2409 Primrose St., zoned "R-1" Residential 1 District zoning

The applicant, **Rudy Olivo**, comes to the podium. **Mr. Patterson** explains this request is decrease the side-setback from 5' to 0' at the subject property. **Mr. Patterson** states that this item came before the board at the October 2022 meeting; and since then **Mr. Olivo** has had a surveyor measure the property; **Mr. Olivo** wants to place a 50' wide structure and therefore needs to reduce one of the side setbacks. **Mr. Patterson** says the property is 58' feet wide and the property line is right along the edge of a carport; **Mr. Olivo** cannot fit the structure on the property and observe both setbacks. **Mr. Olivo** would like to split the lot along the side of the carport so he can fit the 50' wide structure. One setback would have to be 0'. **Ms. Branson** asks **Mr. Olivo** if he owns both properties. He confirms that he does. Floor opened for public comment. There was none. **Mr. Patterson** states that the structure would then be the required 5' from the southern property line. **Mr. Olivo** states that there would actually be a 2.5' setback on the side with the carport. **Mr. McCormick** states that would only be a request for a 2.5' variance. **Mr. Patterson** clarifies that both properties require a 5' side setback; the requirement being 10' between structures; 5' setback each. **Mr. Patterson** explains the side setback required is 5' on the south side and 5' on the north plus 5' setback on the northern property which has the carport. **Mr. Olivo** has provided drawings showing a 3' setback on both sides of the 50' building. **Mr. Patterson** states that the request would be reduce the setback by 4'; there would then be 3' on each side, including 3' side setback on the carport side, putting 6' between structures. **Mr. Patterson** states that the board could reword the request to a variance on each setback involved. **Ms. Boyea**, City Attorney, states the request needs to be amended, and be specific in case **Mr. Olivo** decides to sell the property in the future. **Mr. Patterson** suggests that the motion needs to

call out the proposed property split into Lot 5A and 5B, and approve a variance to allow a 3' side setback on the southern edge of Lot 5A and 3' side setback on the northern edge of Lot 5B.

Ms. Wilson made a motion to approve; **Ms. Branson** seconded the motion. The vote was as follows: **Yes— Mr. McCormick, Mr. Cornum, Ms. Wilson, Ms. Branson.** Absent— **Mr. Nesser.** Abstained— None. The motion carried.

0:25:49 **7. Consider approval of a Variance to allow a carport with storage in the front setback located at 401 S. Guadalupe, zoned "R-2" Residential 2 District zoning**

The applicant, **Harold Finical**, comes to the podium. **Ms. Ortiz** explains the request is to allow a partially enclosed carport exceeding the 25' length in the front setback at the property. The City Ordinance does not allow for enclosed carports of any kind in the front setback. The applicant has provided plans for a 20' x 30' carport with an enclosure for storage he wishes to place in the front setback of the property. Plans indicate that the front of the carport will be partially closed as well as the rear of the structure where the storage area will be. The applicant has indicated that the enclosed area will be a storage room for a motorcycle. The maximum allowable carport size is 20' x 25'. **Ms. Ortiz** states the Planning Dept. recommends approval with the following conditions: the applicant places the carport so that it will not impede emergency services access and remain open on three sides; the applicant, or the carport vendor, will obtain a building permit from the Building Department for the placement of the carport. The carport will stay out of the 5' side setback and be completely open on the front. **Mr. Finical** states he has placed a double-wide structure on the property and has poured a slab for the carport already. He would like the carport to protect his vehicles, and the storage portion will be for his motorcycle. He states the carport will be about 8'-10' from the sidewalk, which is under some pine trees lining the street. **Mr. Cornum** asks if the conditions suggested by the City will impede his project. **Ms. Ortiz** states the front should stay open and the storage area will be in the rear, along the southern property line. The entrance to the carport and the home will face the same direction. Floor opened for public comment. There was none.

Ms. Wilson made a motion to approve; **Mr. Cornum** seconded the motion. The vote was as follows: **Yes— Mr. McCormick, Mr. Cornum, Ms. Wilson, Ms. Branson.** Absent— **Mr. Nesser.** Abstained— None. The motion carried.

0:33:47 **8. Report regarding Summary Review Subdivisions**

Mr. Patterson gave a report on the Summary Reviews. Nothing unusual was noted.

0:36:21 **9. Adjourn**

There being no other business, the meeting was adjourned.

0:36:26 Stop Recording [5:36:50 PM]



Chairman

12-5-22
Date